should come as no surprise to anyone aware of the reality of the nature of crime. As I have pointed out in previous statements, we do not have a gun problem in the United States, we have a criminal problem. Such attempts by a city or locality, no matter how well intentioned or altruistic, to attack the problem of criminal violence in this manner can only result in failure.

Such attempts will end in failure because as Mr. Link, an inmate at Menard, states in his editorial:

When a criminal needs a handgun, in 99 percent of the cases, it isn't one stolen from a home or taken from some potential Wyatt Earp. The weapons are bought illegally from an infinite number of sources in the criminal world.

Therein lies the failure of such attempts, Mr. President. Such laws have no effect on those who break laws as a matter of course. Their only effect is to hinder law abiding citizens in the exercise of legitimate rights or as Mr. Link states:

[T]he law is meaningless and useless in curbing crime. However, it is very effective in curbing the general, law abiding populace.

This is and ever will be the result of such control ordinances.

I would hope that such ordinances which prohibit private ownership of handguns, even in one's own home, have their end in Morton Grove. Mr. Link rightly admonishes the Morton Grove City Council when he warns:

No wise village fathers, you've pulled a classic boner. . . You may be "brave enough to attack the beast," but you are attacking the wrong beast. Even worse, you are attacking the tail of the snake and not the head.

Mr. President, for the consideration of my colleagues the full text of the Menard Time's January 22 editorial on gun control, I ask unanimous consent to have the editorial printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NO HANDGUNS IN MORTON GROVE—BIG DEAL!

(By Mitchell Link)

The village of Morton Grove, Illinois, has seen fit to become a trend-setter with one of the most insane laws enacted to date. In their infinite wisdom, the village fathers have banned the sale and ownership of handguns in their fair burg.

OK, now what, the old arguments espoused by gun owners and the National Rifle Association (NRA)? Well, let's not get into all that again, but try to approach it from a somewhat different angle.

What is important is to take a look at what these lawmakers think they have accomplished.

To this end, I made it a point to get the view of those in the "real know"—convicts here for armed robbery; some of them extremely professional individuals with years of experience in their chosen field.

The comments I heard were unanimous in their one-sided view of the law: thank you Morton Grove, for making things a bit easier for us!

To a man, they all said the same thing: the law is meaningless and useless in curbing crime. However, it is very effective in curbing the general, law-abiding populace.

This coming from "hardened criminals," professionals, convicts—they are doing the talking—someone should listen!

Since a sawed-off weapon is illegal, the law-abiding store owner would have to keep a rifle or shotgun with a 30-inch barrel under the register and Baby Snooks could outdraw that maneuver! He's probably better off with no gun.

Only the law-abiding citizen will turn his handgun in, but if he doesn't, do you knock on his door at midnight because he is now a criminal too? Shades of Poland and World War II!

When a criminal needs a handgun in 99 percent of the cases, it isn't one stolen from a home or taken from some potential Wyatt Earp. The weapons are bought illegally from an infinite number of sources in the criminal world. In many instances, the guns may even be the result of some "big score" in a neighboring town or state; not a home, but a sporting goods store or even an armory.

Sorry, but each of those incarcerated felons said the same thing: The only way you'll even come close to keeping me from getting a handgun if I want one, is to have laws banning the sale, manufacture or import of handguns throughout the U.S., and even then I could probably get one. If that didn't work, then a sawed-off weapon would be my next choice.

No, wise village fathers, you've pulled a classic boner—or perhaps you feel it was politically advantageous?

You may be "brave enough to attack the beast," but you are attacking the wrong beast. Even worse, you are attacking the tail of the snake and not the head!

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

INTELLIGENCE IDENTITIES PROTECTION ACT OF 1981

The PRESIDING OFFICER. Under the previous order, the Senate will now resume the consideration of S. 391. The clerk will state it by title.

The legislative clerk read as follows:

A bill (S. 391) to amend the National Security Act of 1947 to prohibit the unauthorized disclosure of information identifying certain United States intelligence officers, agents, informants, and sources and to direct the President to establish procedures to protect the secrecy of these intelligence relationships.

The Senate resumed consideration of the bill.

Mr. BAKER. Mr. President, I understand that there are at least two speakers who wish to proceed at this point with statements. I believe both Senators are on their way to the floor. While we await their attendance, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DENTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

Mr. DENTON. Mr. President, I am indeed gratified that yesterday so many of my colleagues voted for and overwhelmingly adopted the Chafee-Jackson amendment to S. 391. In so doing, the Senate restored to the Intelligence Identities Protection Act the original language as reported by the Senate Intelligence Committee and the Subcommittee on Security and Terrorism of the Senate Judiciary Committee.

In addressing the language which the Senator from New Jersey has incorporated in his unprinted amendment, in the form of a substitute to change the definitional language of pattern activities as it now appears in section 606(10) of the bill, I offer the following:

In its present form, the term "pattern of activities" requires a series of acts with a common purpose or objective. Under the Bradley language, there is added the sentence, "the main direction of said pattern of activities must be to identify and expose covert agents."

In my judgment this language, although unquestionably well intentioned, would open an enormous loophole in this bill. Any defendent could claim that although he did, in fact, "name names," the main direction of his activity was simply to educate the public or conduct research to write news articles. How could one ever marshall evidence to prove the contrary? Again, we would be faced with an intrusive standard which would require prosecutors to go beyond the action of the defendant, to get inside his head, as it were, and try to examine his motivation and, of course, his political beliefs. It is the need for "witch hunting" to establish states of mind that we are trying to avoid.

The Chafee-Jackson language, which we adopted yesterday by vote of 55 to 39, sets forth six stringent elements of an offense: The Bradley amendment adds yet a seventh, which in my view, would destroy the effectiveness of the Chafee-Jackson bill. The term "main direction" as used in the substitute language of the Bradley amendment is not a term of art. It is not a legal term. It is a term which in itself is subject to more than one interpretation with respect to definition. The language has never been explored, to my knowledge, in a Federal criminal statute or in a court case. Moreover, it has not been the subject of any hearings at the full committee level, nor at the subcommittee level, in either house of the Congress. It is supported neither by the Justice Department nor by the CIA. And it certainly is not contained in the House version of this bill, H.R. 4, which last fall passed by a vote of 354 to 56.

In addition, Senator Bradley's amendment also restored section 603 to the bill, despite the fact that the Senate had agreed by unaminous consent on March 1, 1982, to remove it,

because this section was considered to have serious adverse implications for the Peach Corps. As a result, Senators CRANSTON, BAUCUS, TSONGAS, BIDEN, DODD, and I agreed to eliminate this language from the bill.

Mr. BIDEN. Mr. President, when I first came to the Senate, I heard a senior colleague of mine, in 1973, speak with reference to a piece of legislation which was very controversial, an important amendment that impacted upon what that piece of legislation meant. The amendment changed the direction of the legislation. There was an attempt to follow on and modify the change that had been made, to try to move it back toward what the original language was.

That is what we are doing with the Bradley language. I do not want to get the Presiding Officer, the Senator from Washington (Mr. GORTON), in trouble, but it is really the language of the Presiding Officer that Senator BRADLEY is introducing here today. That is what we are trying to do here.

The senior colleague to whom I referred, long gone from the Senate, stood up and said, "Gentlemen, I'm going to vote for this language." Do not think that I do not understand that the train has left the station. The train has left the station. As a matter of fact, not only did I not make it on the train, but also, I am not sure where the train went. It left so fast and with so many more cars than I thought it had, that I am not sure this exericise we are going through now is of any practical consequence in terms of whether or not it will succeed. But I believe it is of serious consequence in terms of making a record in this body.

It is misleading to call this the Bradley language, but I have not asked the permission of the Presiding Officer to call it his language. However, the Bradley language, which I strongly endorse, and which requires that there be a main direction, if you will, is very important—very, very important.

I believe that what the language does, which Senator BRADLEY is attempting to insert here to define a pattern of activity, is totally consistent, with what many Members of this body thought the Chafee and Durenberger colloquy established.

We witnessed the reluctance of Senator CHAFEE and my distinguished colleague on the Judiciary Committee, Senator DENTON, and others to accept that language. So we are in a bit of a quandary here. Here we have a record that has been built with the greatest care, because we know it is going to be challenged immediately, which says this is what we meant by pattern of activity. Senator DURENBERGER, in his usual eloquence, lays it all out about what we meant. The manager of the bill, Senator CHAFEE, the chief sponsor of the so-called Chafee amendment, said, "Yes, that is what we mean."

Now we come along and we are about to vote down that language. I am not naive. I do not want to mislead anybody. I do not think I have persuaded 15 people overnight to change their votes from yesterday. I said the train has left the station.

In effect, we are going to vote down that colloquy. We are about to say, "Nope, that ain't what we meant. That is not what it means." So here we go.

This presents some of us with a real quandary, a really difficult question. How are we going to vote on final passage? I do not want to be on record as saying that I, in fact, voted against the bill that was out there to protect agents.

I am going to say something that is very presumptuous and self-serving.

One of the first pieces of legislation that recognized the need to protect agents and classified information which identified agents was a bill that I was a major sponsor of and wrote and helped get passed that was called the graymail legislation. And we said in the original graymail report in 1977 that we have to protect these agents, not in the actual verbiage of the legislation but in the report.

So I start off on this, having designed, desired, and been involved in calling for the need for protecting the agents.

We are at a point where if the Bradley amendment goes down, which I fully expect it will, we then have to decide do we vote for a bill that is unconstitutional. And let us assume for the sake of discussion that when we balance the life of an agent versus the Constitution, some would say the Constitution is not all that important. I do not happen to share that view, but let us assume that. Let us assume it is really an issue between the life of an agent and the Constitution.

That makes it a little difficult vote. What I am afraid is going to happen here, Mr. President, and I mean this sincerely, this is going to be passed today, and it is going to go through overwhelmingly. I would not be surprised if 99 percent of those Senators who are here today vote for the bill.

Then we will get a conference pretty quickly, and it will get passed. The President will sign it real quickly, and there is going to be reason to believe—no pun intended—on the part of the agency and all other intelligence agencies around the world that we have now protected these agents, and there will be a mild euphoria which is understandable, and we need to protect them.

Then within months we are going to be in court. We are going to be challenged, whether it is ACLU challenging us or whomever it is going to be. There is going to be a court case. There is going to be a test case, and we are going to find out.

We are going to lose in that test case all these agents who thought they were covered; all these agents who thought we had done something positive for them are going to once again be looking up on the Hill and say, "What in God's name kind of ball club am I playing with here? What team did I sign onto? Where am I?"

And we are going to be back to block 1. I hope I am wrong about that. But I truly believe that is what is going to happen.

It is very dangerous to make any predictions in this Chamber about anything. I am running the risk of not having made more than probably one prediction in 10 years speaking in this Chamber. I am about to make my second prediction.

The first prediction I made was President Nixon was not going to be around very long when I stood up and called for impeachment.

My second prediction is that we are going to be back on this bill. It may not be this year. It is going to be next year. But we are going to be back on the bill because I am afraid it is going to be declared unconstitutional.

When that happens I suspect we will not have much problem moving through intent language or language as the Senator from Washington drafted and the Senator from New Jersey is introducing. I really and truly think we are better served with this language which if we voted down in a sense we have done the worst of all worlds. I almost wish we never raised it now. That is the language that has been brought up. I understand why we did it. It is a calculated risk. It was important to do it.

But what worries me now is it is before this body and voting it down is a refutation of the colloquy.

As the Presiding Officer and my colleagues who are attorneys know, the first thing the courts do in determining ambiguity in legislation is to look to the legislative intent. They go to the Record and they pick it up and they read it. And they would then been able to find a rationale for a constitutionally-protected action that was taken, an action that was constitutional as reflected in the so-called Durenberger-Chafee Colloquy.

Now we are saying we do not mean that, which I think further increases the prospect that this is not going to survive a court test.

There are three sections of the bill, and I will end in just a moment, because I know everyone else has other business, and we heard these arguments 1,000 times, and it is probably important to no one but me in terms of how it is clear on the RECORD of how I feel about this.

We have adopted the reason to believe language. I will not make all the arguments about why I think that is basically a negligence standard. We are about to eliminate the legislative history on what pattern of activity means to make it mean what I am afraid it meant all along and obliterate the Durenberger colloquy, and we are about to pass a bill that is going to be signed into law by the President.

There are three parts to the bill. The first part says if you are working

for the Government and you name a name, you are in serious trouble. No one argues about that. The second kind of person covered is if you did work for the Government and you name a name you are in trouble. The third part relates to those people who neither worked for the Government nor are working for the Government.

That is what is in question. I think we would be better served to make this severable and pass the law with regard to the first two sections, pass it as a bill, call it the Chafee bill, call it the Senate bill, call it anything, pass it, and then pass a separate piece of legislation that in fact covered the third category of people, as the Senator from Rhode Island now has it drafted with a reason to believe standard.

That way if I am right and he is wrong, and this is unconstitutional as it relates to the third section and they knock it out, we are not faced with the problem of not being able to do anything about Philip Agee for the next 6 months or a year or however long it takes us to get back in the ball game. I think that would be a wiser way for us to do it.

Quite frankly, I have not figured out mechanically how to do it and as a matter of fact I think the train has left the station. If I do it, I think I am probably delaying the Senate's time.

I wish to reemphasize that as to the Philip Agees of the world, the present and former employees of the world, none of us have any argument about. I believe that is language for a lot of reasons I will not go into again that is clearly constitutional because of the makeup and the nature of the relationship of the persons naming the name to the entity that they are exposing.

The fact of the matter is the third section I believe is unconstitutional and I believe passing it here now sends out the word. "We have it fixed, folks, you are safe, and there is a remedy."

But if the court is going to come down and knock it all out, we are going to all be in trouble.

So, Mr. President, it is going to be a very difficult vote, being very blunt about it, and even more difficult to explain. I mean I can see the full-page ads now in 1984. I am not suggesting the Senator from Rhode Island in any way subscribes to this. But I can see the full-page ads now when I am running for reelection. I can see it now saying something to the effect of "Biden voted to kill CIA agents by refusing to protect them."

I suspect that little thought ran through a number of people's minds as those vote counts changed yesterday. It was like a moving crap game here—I mean the numbers change pretty rapidly, and it was a decisive victory and to Mr. CHAFEE's great credit, and I mean this sincerely, I want to publicly commend the Senator from Rhode Island for the masterful job he did.

That reminds me of what the Senator from the great State of Mississippi said to me once. That was the chairman of the Judiciary Committee, Senator Eastland. I went to ask him for some help on a matter. This is a true story. I asked help on the matter whether or not I could gain access to the chairmanship of a subcommittee. He looked at me and said: "Joe, can you count?" I said: "Beg pardon, Mr. Chairman."

He said: "Can you count."

I did not know what he said. I did not know whether that was counter or count. So I said, "I beg your pardon, Mr. Chairman."

He said, "Can you count, boy?"

And I said, "Yes, I think I can count, Mr. Chairman."

He said, "Have you counted?"

And I said, "No."

He said, "Come back to me when you count it."

So I went out and counted my colleagues.

Well, I counted my colleagues yesterday, and the Senator from Rhode Island counted our colleagues yesterday. And guess what?

Where did the Senator from Rhode Island go to college? It was Yale, was it not?

Mr. CHAFEE. Yes.

Mr. BIDEN. It only goes to prove that a Yale education is better than a University of Delaware education because he can count better than I can count.

As a matter of fact, he counted so well he added a number to his count that I was unaware of. As a matter of fact, he promised he would share his list with me after the vote was all over. I want to see—I cannot figure out how he got as many as he got.

Nonetheless, he deserves a great deal of credit.

In conclusion, Mr. President, I want to compliment the Senator from Rhode Island. I do not have any doubt in my mind that he believes with all his heart and soul that this is fully constitutional. I do not have any doubt in my mind that he thinks this is going to do the job. I never have questioned nor do I now question his motivation to protect the Agency or his dedication to constitutional principles and that of the First Amendment.

I have no doubt whatever that it has been a pleasure working with him. The Senator From Rhode Island (Mr. CHAFEE), and I have been doing this off and on for close to 2 years, and I do not remember any time where we have not crossed swords, but we have not crossed words at all.

I want to compliment him on the able staff work he has had. He won straight up, but I am afraid that in winning he may have lost. I am afraid in winning the battle he may have lost the war. I hope I am wrong. I hope it is going to be shown that this turns out to be constitutional and does get the job done. I am afraid it will not.

I think we would be better served in passing the first two sections as one bill and the last section as it relates to employees or non-Government employees as a separate bill and let it run its course that way. In that way, if I am right, it does not all go down, we still grab the Philip Agees.

As I say, the train has left the station, but I predict it will be back in the station, and when it is back in the station I have no doubt in my mind we will be able to get a bill through this body in a matter of 20 minutes because we will have it first refined by the court. But I think it is a mistaken way to do business.

I have already taken too much of the Senate's time, not just today but throughout this. I am going to vote for the Bradley amendment because I think it is a substantial improvement.

I think the Senator from the State of Washington, who is presiding now, and I am going through this and it sounds like a swan song, but it is true, it is not often that freshmen come into this body and make the kind of impact in such a specific and detailed way that the Senator from Washington (Mr. GORTON) has, not only in this legislation but in all other legislation.

I admire the way in which he approaches a subject. He does it with profound intellect and a sincere dedication to what he set out to do, and I want to publicly compliment him. It is easy to do it now because he cannot respond from the Chair, and that is the way I like it best.

I compliment him in the way in which he went about it.

I also want to compliment my good friend from Alabama. We serve on the Judiciary Committee together, and it has been good working with him. I hope he and others are right so we will not be working on this again, but I am afraid we will get a chance to work on it again.

I plan on voting for the Bradley amendment. If it fails I plan on voting against the bill because to do otherwise would be totally inconsistent with what I have said in the past 2 years.

I thank the Chair and I yield the floor.

Mr. CHAFEE. Mr. President, first, I would like to express to the Senator from Delaware my appreciation for the joy that we have had working together on this measure. He was accurate in saying that although we have crossed swords there have not been any crossed words. This has gone on now for over 2 years. Our positions have been opposed on the Intelligence Committee, but they were forthrightly expressed.

We had a measure very similar to this, that includes the so-called Chafee-Jackson amendment, that came before the Intelligence Committee a year and a half ago. The Senator from Delaware very clearly made his views known then. He was one of the few who voted against that measure, so he has been entirely consistent and sincere in his opposition to this point of view we have taken. His opposition

is not because he does not believe in the objective. That is very clear. He supports the objective of this legislation as strongly as I do.

But he has felt right from the beginning that my version was unconstitutional and, therefore, as he mentioned in his summary, we would be winning the battle but be losing the war.

I will say that this language has been reviewed by those who have given a good deal of thought to the Constitution. They have found it constitutional, in their judgment. Obviously, there are many learned people on the other side who feel otherwise. But I will say this. Those who feel so strongly on the other side, the great percentage of them, also believe that the Senator from Delaware's version, the intent standard in 601(c), also would be unconstitutional. So the ACLU, Mr. Berman, and the others, have pointed out, and they make no secret of this, that they feel we have a problem here. They feel it is really impossible to solve the problem through legislation. They believe the proper route to take is for the Government to provide better cover for its agents.

The Senator mentioned that in 1984, when he runs for reelection, there would be large advertisments taken in the Delaware papers saying that he was not for protecting the lives of agents in the CIA. Well, anybody who ran advertisements like that would be guilty of absolute misstatement. The sincerity of the Senator from Delaware in protecting the lives of agents is just as great as mine, and I would be perfectly free to so testify, or to sign any counter advertisement to that effect.

But I suspect that the Senator from Delaware is in such good shape in that State, as was evidenced by the last election, that his concerns are minimal, no matter how big the advertisements might be.

Now, Mr. President, I should like to point out two things. First, the amendment of the Senator from New Jersey includes the language which we previously struck dealing with the provision of cover. Indeed, his language does not even have the language of the Judiciary Committee amendment dealing with the Peace Corps. I suspect, perhaps, that that is inadvertent. But, in any event, there it is. So that certainly runs contrary to the unanimous vote, which the Senate took on March 1, 1982, when we elimninated section 603 completely.

The next point is a more substantive one because really this vote which we are taking at 2 o'clock involves language that has been added to the deffinition of "pattern of activities."

The Presiding Officer (Senator GORTON) has been deeply involved in this, and he as well as others, principally the Senator from New Jersey and the Senator from Delaware, subscribe to the language that has been added. The support describing a "pattern of activities" further by saying:

The main direction of said pattern of activities must be to identify and expose agents.

That is language that, pursuant to the request of the junior Senator from Washington, we took under consideration earlier this week. It was not the first time that it had been considered, but due to the sincerity and anxiety of the junior Senator from Washington in reaching some kind of a bill that he felt he could vote for—and I know he subscribes to the protection of the names of the agents and protection of their lives as much as any of us do—he felt that this would be helpful.

We took it up with the Justice Department and also with the CIA. Naturally I looked at it myself, and gave it thorough consideration.

Both the Justice Department—the Attorney General's office—and the CIA are opposed to that language, as am I. The reason why we are opposed to it is that there are a whole series of defenses imposed on the prosecution, proofs that must be met by the prosecution. These are the so-called six defenses. I know the Senator from Delaware dismisses those six defenses. Why he does it so blithely I do not know, but he is eloquent, and frequently he is persuasive. He has not convinced me that those are just papier mache defenses, however.

Those are real defenses, the proof of which lies on the Justice Department to meet.

Now, a seventh defense is raised in the form of the Gorton language. It is that the pattern of activities must have this main direction of identifying and exposing covert agents. Now, we went over yesteday our rationale for objecting to that language. But I would repeat it here briefly today.

Main direction—who knows what it means? To the best of our knowledge, it has never been in any Federal criminal statute. The junior Senator from Washington said, "Well, that is no reason to object to it. It, in itself, is self-explanatory. Main direction—principal thrust."

But this language is vague, not understood, has no judicial definition, has had no hearings, and never was raised in the committee. You would think that in the 2 years of going through laborious hearings in the House, in the Senate Intelligence Committee, in the Senate Judiciary Subcommittee on Security and Terrorism, headed by the able Senator from Alabama, in the full Judiciary Committee, and so forth, this language might once be raised. But it never was.

Another, and I think even more persuasive point, is that this language does not represent the thrust of the legislation. What we wish to prevent is the pattern of activities intended to identify and expose covert agents.

Now, with the "main direction" language in there a defendant could say "This was not the main direction of my activity." "My main direction was to expose the CIA in Africa or to discuss American activities in Central America. And just as an aside, perhaps as a subordinate but nonetheless major portion of my direction, but not the main direction, I also listed 46 agents working for the CIA; Americans serving our country abroad in 10 different countries in Central and South America."

Now we cannot countenance that. Obviously, this legislation is not designed to affect legitimate news gathering organizations that publish and have published for many years, have published derogatory information about the CIA but have managed to do so without the exposure of agents or through very limited exposure perhaps. Incidentally, a name or two appeared on occasion, but obviously there was no pattern of activities intended to identify and expose covert agents.

But those who were in the business of naming names can well take the defense, for the very reason that we objected to the intent language that was submitted by the Senator from Delaware and adopted by the full committee, and can say, "This was not our intent." Even now there is a new defense. They can say this was not their main direction. "Oh, true, we listed 40 agents, but clearly that was not our main direction, because we say so," they can claim.

It was stated the other day that one could establish a defense by talking to the wife of the defendant, or his agent, or his publisher. And the publisher would say, "He told me specifically that naming names wasn't his main direction." And so the wife testifies in this fashion, and so do others.

It seems to me, Mr. President, that if we should adopt the language that Senator BRADLEY is proposing today, we go right back to square one. We really go back to where we were when we started this whole debate on the Chafee-Jackson language 2 years ago.

So for those reasons, Mr. President, I would urge colleagues to vote "no" on the amendment that is before us at 2 o'clock.

Mr. President, I have no further comments. I would like to thank all who have worked on this. I particularly tip my hat to the distinguished Senator from Alabama, who has worked hard. I express my appreciation to his staff, and to Quentin Crommelin, the staff director of the Senate Judiciary Committee.

I thank the junior Senator from Washington for the interest he has taken in this matter. He has shown an extraordinary diligence in this, as he has in other matters. I serve on other committees with him and I think it is extraordinary that he is able to devote so much time and constructive effort to various matters, whether it is the Budget Committee or the Clean Air Act or this act.

I would also like to thank the Senator from Iowa, Senator GRASSLEY, for his remarks yesterday.

In conclusion again I say to that happy warrior from the other side, the Senator from Delaware, that I have enjoyed this. From it I emerge one luncheon richer than when I started. It has been a pleasure. I would hope that in the future we could be able to blend our talents and work together on legislation as we have in the past and as I am confident we will in the future.

Mr. BIDEN. If the Senator will yield, the lunch is one that I owe the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. DENTON. Mr. President, I just want to add my own testimony to that of the distinguished Senator from Rhode Island regarding the possibility of any newspaper ads which might be placed attacking the distinguished Senator from Delaware. I serve with him on the Subcommittee on Security and Terrorism.

I would like to acknowledge that in the field of intelligence, particularly in matters regarding the FBI and the field of drug enforcement, Senator BIDEN has shown not only extreme patriotism but he has also contributed greatly in focusing our attention on the real cause for the continued massive proliferation of drug traffic in our country, namely, the profit motive. In that vein, he has also been a leader in pointing out the need to look at the financial institutions and the banks, where the drug money is laundered. I have found his advice and initiative to be of great value to me in my capacity as chairman of that subcommittee. I wish to acknowledge that and to thank the Senator.

Mr. BIDEN. The Senator is very gracious. I thank the Senator.

Mr. DENTON. I would like to reiterate that two administrations, the Carter and the Reagan administrations, have had Departments of Justice which consider the wording of the Chafee amendment and the bill, as it now stands, to be constitutional.

Although I respect the opinions of others, I do not share their gloomy predictions about the alleged unconstitutionality of this measure.

It seems there are no further remarks to be made at this time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, there is an order, I believe, to proceed to a rollcall vote at 2 p.m. on the Bradley amendment No. 1339 to S. 391. Is that correct?

The PRESIDING OFFICER. The majority leader is correct.

RECESS UNTIL 1:45 P.M.

Mr. BAKER. Mr. President, I believe both cloakrooms have contacted their Members with regard to speaking requirements. They find that no Member seeks recognition.

In view of that, Mr. President, I ask unanimous consent that the Senate now stand in recess until the hour of 1:45 p.m.

There being no objection, the Senate, at 12:42 p.m., recessed until 1:45 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ANDREWS).

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of North Dakota, suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DENTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DENTON. Mr. President, I want to take this opportunity to thank my colleagues on both sides of the aisle who have labored so long and hard over this vital piece of legislation. It is gratifying for me to know, as a result of this experience, how energetic, resourceful, and effective we can be as a body in contributing to the successful passage of an important piece of legislation such as the Intelligence Identities Protection Act of 1981. I observe with satisfaction the bipartisanship involved in the vote on that passage.

I want to express my sincere appreciation to my colleagues on the Subcommittee on Security and Terrorism, Senators HATCH, EAST, BIDEN, and LEAHY. I also want to thank the distinguished chairman of the Judiciary Committee, Senator THURMOND, and the distinguished chairman of the Senate Intelligence Committee, Senator GOLDWATER, and, of course, the distinguished Senator from Rhode Island, JOHN CHAFEE, without whose masterful guidance and continued support we would not be voting on this historic legislation today. I would also like to thank the respective staffs on both sides of the aisle who labored so diligently and for so long on this bill.

AMENDMENT NO. 1339

The PRESIDING OFFICER. Under the previous order, the hour of 2 p.m. having arrived, the Senate will now proceed to a vote in connection with amendment No. 1339 offered by the Senator from New Jersey (Mr. BRADLEY). The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Maryland (Mr. MATHIAS) is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Nevada (Mr. CANNON) and the Senator from Louisiana (Mr. LONG) are necessarily absent.

The PRESIDING OFFICER (Mr. NICKLES). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 37, nays 59, as follows:

[Rollcall Vote No. 54 Leg.]

YEAS—37

Baucus	Hatfield	Proxmire
Biden	Hollings	Quayle
Bradley,	Huddleston	Randolph
Byrd, Robert C.	Kennedy	Riegle
Cohen	Leahy	Roth
Cranston	Levin	Sarbanes
DeConcini	Matsunaga	Sasser
Dodd	Melcher	Specter
Eagleton	Metzenbaum	Stafford
Exon	Mitchell	Tsongas
Ford	Moynihan	Weicker
Gorton	Packwood	
Hart	Pressler	

NAYS—59

Abdnor	Durenberger	Lugar
Andrews	East	Mattingly
Armstrong	Garn	McClure
Baker	Glenn	Murkowski
Bentsen	Goldwater	Nickles
Boren	Grassley	Nunn
Boschwitz	Hatch	Pell
Bumpers	Hawkins	Percy
Burdick	Hayakawa	Pryor
Byrd, Harry F., Jr.	Heflin	Rudman
	Heinz	Schmitt
Chafee	Helms	Simpson
Chiles	Humphrey	Stennis
Cochran	Inouye	Stevens
D'Amato	Jackson	Symms
Danforth	Jepsen	Thurmond
Denton	Johnston	Tower
Dixon	Kassebaum	Wallop
Dole	Kasten	Warner
Domenici	Laxalt	Zorinsky

NOT VOTING—3

Cannon	Long	Mathias

So Mr. BRADLEY's amendment (No. 1339) was rejected.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. TOWER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

● Mr. D'AMATO. Mr. President, I am pleased that the Senate will today pass the Intelligence Identities Protection Act of 1981. The intelligence community is our Nation's first line of defense. S. 391 protects our intelligence network by making it a criminal penalty to name names. In recent years the disclosure of the identities of our agents has placed our agents in grave danger while also serving to compromise the effectiveness of our Nation's covert operations. I commend Senator CHAFEE for his efforts in S. 391.

While S. 391 serves to protect the true identities of our agents, something must be done to prevent the further weakening of the CIA as a result of sensitive information which is presently obtainable under the Freedom of Information Act. The dissemination of such information has resulted in the publicizing of CIA methods and the undermining of CIA operatives. On May 20, 1981, together with Senators, GOLDWATER, NICKLES, GRASSLEY, DOLE and HELMS, I introduced S. 1235, a bill which would modify the Freedom of

Information Act to exempt all CIA materials involving personnel selection, training, reorientation, internal operations, office management, and organization of the CIA.

S. 391, the Intelligence Identities Protection Act is a major step in restoring the safeguards which are vital to an effective intelligence community. I am hopeful that the Senate will continue to move in this direction and that we can take action in the near future on S. 1235.●

● Mr. ROTH. Mr. President, I will vote for final passage of S. 391, the Intelligence Identities Protection Act, but I will do so with reservations. I believe that the Senate vote yesterday adopting the amendment offered by the distinguished Senator from Rhode Island, Mr. CHAFEE, was unfortunate, but it is essential that we enact legislation now to halt the insidious practice of deliberately disclosing the names of covert intelligence agents.

As I said when I announced my opposition to the Chafee amendment on Monday, I believe the "reason to believe" standard for prosecution contained in the Chafee amendment is unnecessarily broad and could have a chilling effect on legitimate news reporters and broadcasters. I felt that it would have been better for the Senate to adopt a more stringent "intent" standard, and then watch to see if the law accomplished its purpose, or whether some other standard of prosecution might be necessary to provide for the conviction of violators.

Now that the Senate has decided to adopt the "reason to believe" standard, however, those of us who are determined to halt the systematic publication of agents' names must vote for this measure and hope that it proves effective without becoming an instrument for stifling the flow of information to the public. The reprehensible activities of such publications as the Covert Action Information Bulletin must be halted before any further harm is done to the national security for to the safety of our covert agents and their families. S. 391 as amended is now the vehicle available to us to accomplish that goal, and for that reason I will vote for its passage.●

● Mr. HART. Mr. President, as a former member of the Select Committee on Intelligence, I have considerable sympathy with the concerns which gave rise to S. 391, the Intelligence Identities Protection Act. The United States and its intelligence agencies are ill-served by sensation-seekers who endanger the lives of our intelligence personnel and put at risk this country's national security. We are correct in trying to seek properly balanced legislation which will prevent these abuses.

The key phrase is "properly balanced."

Press representatives across the country have expressed great concern about the implications this bill has for first amendment freedoms. It is one thing to make criminal the public disclosure of the identities of U.S. intelligence personnel. It is quite another to hold the sword of possible prosecution over the head of a journalist for doing his or her job to report on the Central Intelligence Agency.

We should be prepared to support efforts to punish unprincipled people who intend to disable the CIA. We should not be prepared to support looser language which imposes criminal penalties on individuals when there is only reason to believe that publication of information will impede our intelligence work.

We need legislation which clearly protects those who courageously risk their lives for our national security and at the same time clearly preserves first amendment rights of free speech and free press.

The intent language which had been in this bill before the Chafee amendment passed Wednesday struck the necessary balance. Many of us were prepared to vote for such a bill.

Senator BRADLEY's amendment, which would have required prosecutors to prove that a defendant's pattern of activities had been specifically designed to identify and expose covert agents, would also have struck the necessary balance. Many of us were prepared to vote for a bill containing this language.

However, I cannot support legislation which raises as many first amendment concerns as this bill does. Our country's national security is also served by a free and vigorous press. We must not take steps which impair that freedom. I hope that in conference there will be thorough reconsideration of the ways in which Congress can properly provide for the protection of national security and the protection of free speech.●

Mr. SPECTER. Mr. President, I am voting for S. 391, the Intelligence Identities Protection Act, even though its constitutionality, in my judgment, is subject to serious challenge. Ultimately, it may be invalidated by the courts. If so, rather than protecting agents' identities, it will only have created the illusion of protection.

Five years from now, after such a court decision, we may once again be considering this subject in the U.S. Senate. Meanwhile, those who are in the evil business of naming names may be able to continue to do so with impunity.

Even in the short term, the bill may be applied infrequently, if at all, because of graymail and other prosecution problems.

The better course for the Senate would have been to reshape the bill into a more effective tool to protect intelligence agents. However, there is no consensus for further work.

The intelligence agencies have been seeking protection for more than 5 years already, and some legislation is necessary. Given the extensive debate, the courts will have substantial guidance to interpret the bill to protect first amendment rights. With reservations, I consider it the lesser of the evils to vote for the bill.

Mr. BRADLEY. Mr. President, I firmly believe that America must protect its covert agents from wanton or malicious disclosure of their identities. Such disclosure both threatens their lives and impairs U.S. intelligence activities. At the same time, I believe we must be careful that our legislation does not conflict with basic freedoms in America.

In my judgment, both the bill reported by the Senate Judiciary Committee and the substitute bill I offered yesterday after adoption of the Chafee amendment strike the proper balance. These bills protect covert agents from reckless or malicious disclosure. But they also guard the constitutional rights of all Americans to freedom of speech, a free press, and the public's right to know.

The bill before us does not do these things. Although its supporters say it will not interfere with the ability of the press to present the news fully and fairly, nothing in the language of the statute or its legislative history persuades me this is so.

I am also unpersuaded that this bill only punishes "naming names." Indeed Senator CHAFEE's statements to this effect are belied by the statutory language. The statute punishes disclosure of "any information that indentifies an individual as a covert agent." The Senate report accompanying S. 391 also indicates that naming names is not required. The report states the "though the identity disclosed must be classified, the actual information disclosed need not be." In other words, it is sufficient to publish any information that identifies a covert agent. Revealing his or her name is unnecessary.

Finally, I believe the courts will declare this bill to be unconstitutional. Thus, it will serve neither our agents' nor the public's interest. It also means that the protection the Senate is supposedly providing covert agents is illusory. No court can convict someone for disclosing an identify if the criminal statute on which the conviction is based violates the first amendment. By passing this bill instead of the Judiciary Committee version or the Bradley substitute we have lost the opportunity to enact legislation that would have given our intelligence community the genuine protection it needs and deserves.

Thus, I remain concerned that disclosures of serious illegality in Government or egregious breaches of official policy would subject those making the disclosures to criminal sanctions. This will inevitably have a chilling effect on news reporting and deny the American people access to information that is in the national interest for them to know.

In offering a substitute for S. 391 as amended, I hoped to provide a vehicle that would protect the identity of our covert agents yet guarantee fundamental American freedoms. My amendment was defeated. Thus, even though I am reluctant to oppose this bill, I have no choice but to vote against it.

IMPORTANCE OF COMPLETE SEPARATION OF PEACE CORPS FROM INTELLIGENCE ACTIVITIES

Mr. CRANSTON. Mr. President, consistent adherence to the longstanding policies insuring the complete separation of the Peace Corps from intelligence activities is vital to the continued effectiveness of the Peace Corps and the safety and wellbeing of Peace Corps volunteers and staff overseas. On several occasions during the past year, however, these policies and their appropriate application and ramifications have been the subject of debate and some controversy. Thus, I would like to take a moment to discuss them and underscore their importance—particularly in light of the issues before us in the context of the pending legislation.

As a whole, these policies are designed to make it possible for Peace Corps volunteers and staff, by avoiding assiduously even the appearance of any connection between the Peace Corps and intelligence activities, to achieve the essential programmatic goals of the Peace Corps—building links between the United States and the peoples of developing countries at the grassroots level; providing practical and humanitarian assistance on a voluntary basis; and demonstrating through the personal commitment of the volunteers the concern of American citizens for the welfare of individuals in developing countries.

In a May 4, 1981, letter to Senators DENTON and BIDEN, former Secretary of State Dean Rusk noted that, in addition to being essential to the effectiveness of the Peace Corps, the policy of absolute separation from intelligence activities—which was first enunciated while he was Secretary—is necessary for the safety of the volunteers. Urging that any statutory requirement that Government agencies provide assistance to intelligence agencies include a Peace Corps exception, he stated that, in his opinion:

[A]ny action that suggests that the United States had modified the policy of absolute separation between the Peace Corps and intelligence would also increase the danger to Peace Corps volunteers and staff. During the last twenty years there have been countless examples of volunteers continuing to perform their duties despite civil strife. Indeed, they have many times been protected by the ordinary citizens with whom they live and work from any harm. Instability and terrorism have already substantially increased the dangers to Americans abroad. These dangers Peace Corps volunteers necessarily assume. The United States should do nothing to increase these risks.

Thus, very strict policies of the U.S. Government precluding both the reality and the appearance of any connection between the Peace Corps and intelligence activities have been carefully developed and maintained throughout the Peace Corps' 20-year history.

These policies fall into three separate categories, each one being critically important. First, a set of policies totally prohibits any involvement of Peace Corps volunteers and staff in intelligence activities. These policies prohibit Peace Corps volunteers and staff from participating in intelligence activities and prohibit the intelligence community from in any manner using Peace Corps volunteers or employees as cover and, more specifically, from contacting, questioning, or in any other way seeking to use Peace Corps volunteers or staff as intelligence sources.

Second, to avoid any appearance of Peace Corps involvement with intelligence activities, strict Peace Corps policies prohibit former Central Intelligence Agency employees from ever serving as Peace Corps volunteers or staff. In addition, any Peace Corps volunteer or staff applicant with a background in any non-CIA-type intelligence activities is barred from Peace Corps service for a period of at least 10 years following the cessation of the individual's involvement in intelligence. Even after that 10-year period has expired, an applicant's suitability is reviewed if his or her non-CIA intelligence activities were particularly extensive or involved covert activities.

Third, also to preclude the appearance of Peace Corps involvement in intelligence activities, CIA policy prohibits that agency from employing Peace Corps volunteers or staff until after a 5-year period following their Peace Corps service has expired and prohibit former volunteers and staff from ever being assigned to any intelligence duty in any country in which they served in the Peace Corps. Other intelligence agencies have similar bars to the employment and assignment of former Peace Corps volunteers and staff.

These policies were recently outlined by the Judiciary Committee in its report on the pending legislation (S. Rept. No. 97-201, pages 13 and 14 (Star print)).

Earlier this year, the policy regarding the second leg of this triad of policies—the intelligence-background bar—received considerable attention in connection with the nomination of Thomas W. Pauken to be the Director of the ACTION Agency. Because of Mr. Pauken's extensive training and experience in overseas covert intelligence operations during his military service from which he was discharged in 1970, I strongly believed that his nomination to be the head of the umbrella agency under which the Peace Corps functions was highly inadvisable. In a statement appearing on pages S3896 through S3996 of the daily edition of the RECORD for April 27, 1981, I urged that Senate action on that nomination not be taken while the Peace Corps was still within the ACTION Agency. It was my position then that for him to serve as the Director of the ACTION Agency while the Peace Corps was still a part of that Agency would create an appearance of a connection between the Peace Corps and intelligence that should be avoided.

In substantial part because of the issues that the Pauken nomination raised, I became convinced that the time had come to separate the Peace Corps from the ACTION Agency. Subsequent events have intensified my conviction in this respect. On April 27, 1981, I introduced legislation to make the Peace Corps a fully independent agency within the executive branch. That legislation was incorporated into S. 1196, the International Security and Development Corporation Act of 1981, and was enacted as Public Law 97-113 on December 29, 1981. At the time of Senate consideration of the conference-report on that measure, I outlined again the importance of securing the Peace Corps as an independent entity—CONGRESSIONAL RECORD, daily edition, December 15, 1981, S15298.

Recently, during the pendency of the Peace Corps separation legislation before the Congress, an incident occurred that dramatically highlighted the need for Peace Corps independence and, I also believe for the Congress to express itself on the policy of the separation of the Peace Corps from intelligence activities. In the November 1, 1981, issue of the New York Times, an article dealing primarily with Peace Corps budget issues noted—in my view, accurately—that the movement in the Congress to restore the Peace Corps' independence had been given impetus by the appointment of Mr. Pauken to be Director of the ACTION Agency and that the Peace Corps has a strict prohibition against former intelligence agents within its agency. In response, Donald Thorson, the ACTION Agency's Assistant Director for Legislative Affairs—as part of that Agency's continuing campaign against the Peace Corps autonomy legislation by attempting to discredit the intelligence-background bar and promote a totally absurd thesis of discrimination against Mr. Pauken because his military service was in Vietnam—wrote a letter to the editor of the Times, which appeared in the November 27 issue. In that letter, he flatly stated that the statement regarding the "strict prohibition" was "not true". Indeed, the current Director of the Peace Corps, Loret Ruppe, and her predecessor, William G. Sykes, in a March 18, 1982, letter to me in connection with Ms. Ruppe's confirmation then under consideration by the Foreign Relations Committee, described the intelligence-background bar as I outlined it above and pledged "to enforce the policy strictly, as has been done for the past two decades."

Mr. President, I was truly astonished by Mr. Thorson's reckless assertion that such a prohibition does not exist. In a December 9, letter to the editor that appeared in the Times today, I noted—

It is a sorry state of affairs that a high official of the ACTION Agency, in his determination to keep the Peace Corps within ACTION at any cost, is willing to jeopardize a policy intended to protect the integrity of the Peace Corps and the safety of its volunteers and staff.

Mr. President, I ask unanimous consent that the Times article and these letters be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER, without objection, it is so ordered.

(See exhibit 1.)

Mr. CRANSTON. Also, Mr. President, in light of the vital importance of the complete separation of the Peace Corps from intelligence activities and the great need to avoid any appearance of involvement, I was deeply disappointed that the December 4, 1981, Executive order on "United States Intelligence Activities"—E.O. 12333—did not provide an express exception for the Peace Corps from the general requirement in section 1.6(a) that executive branch departments and agencies give the Director of Central Intelligence access to all information relevant to national intelligence needs and generally cooperate with the Director. The omission of a Peace Corps exception in that context can be seen as presenting the same issue that the enactment of section 603 of the pending measure without a Peace Corps exception would raise and which I discussed on March 1 in a lengthy colloquy with the sponsors of this measure and others concerned about the Peace Corps.

Mr. President, I would note that I appreciate the statements last summer by the current Director of Central Intelligence and the current Director of the Peace Corps—in their July 15, 1981, and June 25, 1981, letters, which the Senator from Rhode Island (Mr. CHAFEE) inserted in the RECORD during the March 1 colloquy—that they have no intention of deviating from the long-standing policies of total separation of the Peace Corps from intelligence activities. Unfortunately, there has been no comparable statement by the President of the United States. Hence, I believe that a strong statement of congressional policy is very desirable in order to provide needed clarification and to bolster the assurance in the nations where the Peace Corps serves that its complete separation from intelligence activities is being maintained.

Thus, I am most gratified that the distinguished Senators from Rhode Island (Mr. CHAFEE), Delaware (Mr. BIDEN), Alabama (Mr. DENTON) and Vermont (Mr. LEAHY), among others—as expressed in a colloquy on March 1, 1982, CONGRESSIONAL RECORD, daily edition, S1257—share my view that, whether or not the conference report on the pending measure includes a section 603, the conferees should state that section 1.6(a) of the Executive order should not be construed as altering in any way the historic policy of complete separation of the Peace Corps from intelligence activities. Such an unequivocal statement of principle in the joint explanatory statement accompanying the conference report would clearly reassert the strong position of the Congress on this important matter and confirm its strong commitment to maintenance of the policy of total separation.

(EXHIBIT 1)

[From the New York Times, Nov. 1, 1981]

PEACE CORPS ASKS A REVIEW OF CUTS

(By Barbara Crossette)

WASHINGTON, Oct. 31—The Peace Corps, with its modest $105 million budget cut this year to $53.6 million, has appealed to the Administration for reconsideration.

Loret Miller Ruppe, the organization's director, said yesterday in her office just before setting out on a month-long tour of volunteer outposts in North and West Africa, that she had met with Secretary of State Alexander M. Haig Jr. about the budgetary problem and had found him "very supportive."

"He said what we were doing was right in line with the Administration's foreign policy," she said. "But we haven't heard anything yet about our appeal."

The Peace Corps, now 20 years old, is very different from what it was in the 1950's. The average age of volunteers is higher—about 27. There are fewer of them—about 5,000 in 60 countries compared with 11,115 in 57 nations in 1967.

FISHERIES AN IMPORTANT PROGRAM

Most important to the Peace Corps now is the development of programs in agriculture and alternative sources of energy. Jody Olsen, the regional director for North Africa, the Near East, Asia and the Pacific, said that among these progams, training in fisheries was one of the most important.

"This is bringing protein into areas where it is almost impossible to get meat," Miss Olsen said. She also described projects in teaching simple market gardening in primary and secondary schools and the raising of rabbits for food supply. Agriculture specialists are in great demand by the Corps.

In its training program, volunteers are taught not to expect to see changes in their two-year period of service.

"With rabbits, for example," Miss Olsen said, "it may be easier to raise rabbits than build fisheries, but you have to introduce the concept of eating rabbits, and of cooking rabbits. In some places that could take six to eight years."

The leadership of the Corps, struggling to live within the new financial restraints, is made up of loyal Republicans. Mrs. Ruppe, a Midwesterner, worked on Vice President Bush's campaign for the Presidency and went on to become cochairman of the Reagan-Bush committee in Michigan.

VIRTUES OF SELF-HELP EXTOLLED

She extols the virtues of self-help in public speeches, saying the work of the Corps is "right up Mr. Reagan's alley" in teaching self-sufficiency.

Lon Randall, a graduate of Fort Wayne Bible College and the president of Malone College in Canton, Ohio, who is now associate director for programs, prefaces remarks about the response of the Peace Corps to budget cuts with his support for "the President's move toward restoring sound fiscal policy."

In line with Administration moves in other agencies—notably the Agency for International Development, with which the Peace Corps works closely overseas—the Corps has created an office for liaison with the private sector. Its director is John Calvin Williams Jr., a former Peace Corps volunteer in Morocco and Niger who is on leave from Chase Manhattan Bank, where he directed activities in French-speaking Africa.

The Peace Corps offices are shared with several other volunteer agencies, including Volunteers in Service to America and the Foster Grandparent Program, all of which were combined by President Nixon in 1971 into a coordinating agency called Action.

MOVES TO RESTORE INDEPENDENCE

There have been moves in Congress to restore the independence of the Peace Corps, which many feel has lost its identity under the Action umbrella.

The movement was given new impetus in March, when President Reagan appointed Thomas W. Pauken director of Action. Mr. Pauken had served as a military intelligence officer in Vietnam, and the Peace Corps has a strict prohibition against former intelligence agents within its agency. Rumors of Central Intelligence Agency links to the Peace Corps, never proved, cost the Corps its India program, which was terminated by New Delhi in 1976.

Senator Alan Cranston of California led a successful Democratic drive to write Peace Corps autonomy into legislation this year. This month the full Senate upheld that legislation. Mrs. Ruppe says that the legislation was not necessary because she had been assured she would continue to report directly to the executive branch.

EVALUATION IS UNDER WAY

According to Mr. Randall, the associate director, the Peace Corps is in the process of "global evaluation" of its programs. Mr. Randall, who worked with the Agency for International Development in Thailand, said that, especially in a period of tight budget restraint, "the aim of the Peace Corps is to leave a country."

He said that as soon as a country's per capita income and quality of life had reached an acceptable level, the Peace Corps would disengage itself, as it has done recently in Chile, leaving the work in the hands of local officials and allowing the Corps to concentrate its resources on the "poorest of the poor."

The degree to which a country contributes to a Peace Corps presence has become important to whether the agency will agree to set up or expand programs. There are still many more requests for Peace Corps volunteers from foreign countries than the agency can have to meet.

[From the New York Times, Nov. 27, 1981]

THE PROPER PARENT FOR THE PEACE CORPS

WASHINGTON, D.C., *November 6, 1981.*

To the EDITOR: Your Nov. 1 news story "Peace Corps Asks a Review of Cuts" contained a number of inaccuracies on the issue of the Peace Corps' separation from the Action agency.

The article stated that there have been moves in Congress to "restore the independence of the Peace Corps." But the Peace Corps has never been independent. From 1961 to 1971 it was under the State Department; in 1971 it became a part of Action.

The article also declared that the "Peace Corps has a strict prohibition against

former intelligent agents within its ranks." This is not true. In fact, the deputy director of the Peace Corps from 1969 to 1971, Tom Houser, served in Army counterintelligence in the mid-1950's.

It is true that some supporters of separation have attacked the appointment of Tom Pauken as Action director because he served in Vietnam in military intelligence. The obvious question arises: Why is a Vietnam veteran being treated differently from a 1950's veterans with an equivalent background?

It is significant that the Reagan Administration strongly opposes the separation of the Peace Corps from Action because such a move would cost the taxpayers more money. New independent agencies always require additional funds. To create another Federal agency during a period of budget cuts makes no sense whatsoever.

DONALD THORSON,
Assistant Director,
for Legislative Affairs, Action.

PEACE CORP SAFE DISTANCE FROM C.I.A., ET AL.

WASHINGTON, D.C., *December 9, 1981.*

TO THE EDITOR. As the principal Senate sponsor of legislation to separate the Peace Corps from the ACTION agency, I was astonished by the letter (Nov. 27) from Donald Thorson, ACTION's assistant director for legislative affairs, accusing The Times of inaccurate reporting. It is Mr. Thorson who is inaccurate.

Mr. Thorson states that it is "not true" that the Peace Corps has a strict prohibition against former intelligence agents within its ranks. The truth is that ever since its inception in 1961 the Peace Corps has had a policy designed to preclude even the appearance of a connection with intelligence activities.

This policy bars any former agent or employee of the C.I.A. from ever serving as a Peace Corps volunteer or employee. And it strictly prohibits anyone else from serving if he or she has engaged in intelligence activities in the preceding 10 years.

Thomas Pauken, director of ACTION, Loret Ruppe, director of the Peace Corps, and William Casey, director of the C.I.A., have said that they intend to continue this policy.

Mr. Thorston states that Thomas Houser served in Army counterintelligence 13 years before he became deputy director of the Peace Corps in 1969. However, no information to that effect was brough to the attention of the Senate at the time of Mr. Houser's confirmation.

Mr. Thorson also claims that separating the Peace Corps from ACTION would "cost the taxpayers more money." The evidence points in exactly the opposite direction. Internal Peace Corps budget documents estimate that, while separation will cost about $900,000 in first-year administrative expenses, it will save $1 million annually thereafter.

Finally, the controversy over Mr. Pauken's nomination arose not because he is a Vietnam veteran, as Mr. Thorson falsely suggests, but over the question whether the extent and nature of his service in military intelligence violated—or appeared to violate—a policy indepensable to the effectiveness of the Peace Corps, if not to its very survival. The Foreign Relations Committee narrowly voted for his confirmation, 10 to 7.

Making the Peace Corps an independent agency will reaffirm its fundamental policy of keeping free of all taint of an "intelligence connection." It is a sorry state of affairs that a high official of ACTION, in his determination to keep the Peace Corps within that agency at any cost, is willing to jeopardize a policy intended to protect the integrity of the Peace Corps and the safety of its volunteers and staff.

ALAN CRANSTON,
U.S. Senator from California.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 391) was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, I move that the Senate now proceed to the consideration of Calendar 294, H.R. 4.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4) to amend the National Security Act of 1947 to prohibit the unauthorized disclosure of information identifying certain United States intelligence officers, agents, informants, and to direct the President to establish procedures to protect the secrecy of these intelligence relationships.

The PRESIDING OFFICER. The question is on agreeing to the motion of the majority leader.

The motion was agreed to, and the Senate proceeded to the consideration of the bill.

UNPRINTED AMENDMENT NO. 830

Mr. DENTON. Mr. President, I ask unanimous consent that H.R. 4 be amended with a series of perfecting amendments which I send to the desk and which conform its text to S. 391, as amended, and further ask unanimous consent that these amendments be considered and agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments will be stated.

The assistant legislative clerk read as follows:

The Senator from Alabama (Mr. DENTON) proposes an unprinted amendment numbered 830.

Mr. DENTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

1. On page 1, line 4, immediately following the word "Act" add "of 1981.".

2. On page 2, line 3, strike the word "Disclosure" and substitute in lieu thereof "Protection".

3. On page 4, line 3, strike the word "in" and all that follows up to and including the word "exposure," on line 7, and substitute in lieu thereof the following: "in the case of a person who acted in the course of a pattern of activities intended to identify and expose covert agents and with reason to believe that such activities would impair or impede the foreign intelligence activities of the United States,".

4. On page 4, immediately following line 13, insert a new subsection 602(d) as follows:

"(D) It shall not be an offense under section 601 for an individual to disclose information that solely identifies himself as a covert agent."

4A. On page 4, line 14 through page 5 line 8, strike from the word "Procedures" to "disclosure."

5. On page 5, line 17, strike the word "shall" and insert in lieu thereof the word "may".

6. On page 5, line 18, immediately preceding the word "Congress" insert the word "the".

7. On page 6, line 9, strike the word "a" and substitute in lieu thereof the word "any".

8. On page 6, line 10, strike the capital "R" in the word "Rule" and substitute in lieu thereof a lower case "r".

9. On page 6, strike line 18 and all that follows through line 16 on page 7, and insert in lieu thereof the following: "(4) the term 'covert agent' means—

"(A) an officer or employee of an intelligence agency or a member of the Armed Forces assigned to duty with an intelligence agency—

"(i) whose identity as such an officer, employee, or member is classified information, and

"(ii) who is serving outside the United States or has within the last five years served outside the United States; or

(B) a United States citizen whose intelligence relationship to the United States is classified information, and—

"(i) who resides and acts outside the United States as an agent of, or informant or source of operational assistance to, an intelligence agency, or

"(ii) who is at the time of the disclosure acting as an agent of, or informant to, the foreign counterintelligence or foreign counterterrorism components of the Federal Bureau of Investigation; or

10. On page 7, line 3, immediately following the ";" add the word "or".

11. On page 7, line 6, insert a "," immediately following the word "information".

12. On page 7, line 19, immediately following the word "classified" insert the word "information".

13. On page 7, line 24, strike the word "the" and insert in lieu thereof the word "a".

14. On page 7, line 25, strike the word "components" and insert in lieu thereof the word "component".

15. On page 8, line 1, strike the word "counterterorist" and insert in lieu thereof the word "counterterrorism".

16. On page 8, line 15, strike the quotation marks and period which follow the word "Islands.".

17. On page 8, immediately following line 15, add the following new subsection 606(10):

"(10) The term 'pattern of activities' requires a series of acts with a common purpose or objective.".

18. On page 9, in the Table of Contents, delete the word "Disclosure" from the entry for section 601 and insert in lieu thereof the word "Protection".

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. CHAFEE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Maryland (Mr. MATHIAS) is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Nevada (Mr. CANNON) and the Senator from Louisiana (Mr. LONG) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 90, nays 6, as follows:

[Rollcall Vote No. 55 Leg.]

YEAS—90

Abdnor	Glenn	Murkowski
Andrews	Goldwater	Nickles
Armstrong	Gorton	Nunn
Baker	Grassley	Packwood
Baucus	Hatch	Pell
Bentsen	Hatfield	Percy
Boren	Hawkins	Proxmire
Boschwitz	Hayakawa	Pryor
Bumpers	Heflin	Quayle
Burdick	Heinz	Randolph
Byrd, Harry F., Jr.	Helms	Riegle
	Hollings	Roth
Byrd, Robert C.	Huddleston	Rudman
Chafee	Humphrey	Sarbanes
Chiles	Inouye	Sasser
Cochran	Jackson	Schmitt
Cohen	Jepsen	Simpson
D'Amato	Johnston	Specter
Danforth	Kassebaum	Stafford
DeConcini	Kasten	Stennis
Denton	Kennedy	Stevens
Dixon	Laxalt	Symms
Dodd	Leahy	Thurmond
Dole	Levin	Tower
Domenici	Lugar	Tsongas
Durenberger	Matsunaga	Wallop
Eagleton	Mattingly	Warner
East	McClure	Weicker
Exon	Melcher	Zorinsky
Ford	Metzenbaum	
Garn	Mitchell	

NAYS—6

Biden	Cranston	Moynihan
Bradley	Hart	Pressler

NOT VOTING—3

Cannon	Long	Mathias

So the bill (H.R. 4), as amended was passed.

Mr. DENTON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DENTON. Mr. President, I ask unanimous consent that the first technical amendment be amended to read "1982" instead of "1981."

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DENTON. Mr. President, I move that the Senate insist on its amendments and request a conference with the House and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. NICKLES) appointed from the Committee on the Judiciary Senators THURMOND, DENTON, EAST, BIDEN, and LEAHY; from the Committee on Intelligence Senators CHAFEE, LUGAR, JACKSON, and BENTSEN conferees on the part of the Senate.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, I ask unanimous consent that S. 391 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, what is the business pending before the Senate?

The PRESIDING OFFICER. The pending business is Senate Resolution 344.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

FLEXITIME LEGISLATION

Mr. STEVENS. Mr. President, I would like to state to the majority leader and the Members of the Senate that we have been attempting to work out the flexitime bill. It is apparent that we cannot get the agreement we are seeking. I intend to introduce the flexitime bill and have it referred to the Committee on Governmental Affairs and not have it held at the desk.

PROHIBITION OF LIBYAN OIL IMPORTS

The PRESIDING OFFICER. The Senate will now resume consideration of Senate Resolution 344.

Mr. PERCY. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. BAKER. Just one moment.

Mr. President, is there a vote ordered on Senate Resolution 344?

The PRESIDING OFFICER. The Senate will be in order. There is a vote ordered on Senate Resolution 344. The yeas and nays have been ordered.

Mr. BAKER. Is not Senate Resolution 344 identified as the Hart amendment with various cosponsors dealing with importation of Libyan oil into the United States?

The PRESIDING OFFICER. The majority leader is correct.

MR. BAKER. I thank the Chair.

● Mr. PELL. Mr. President, I support enthusiastically the resolution of the Senator from Colorado (Mr. HART) expressing the sense of the Senate strongly supporting the President's decision to prohibit Libyan oil imports and to deny licenses for the export to Libya of oil and gas technology and equipment of U.S. origin not readily available from non-U.S. sources.

The Committee on Foreign Relation's Subcommittee on Near Eastern and South Asian Affairs received testimony just this morning dealing with international terrorism. The subcommittee was told by the Department of State that, following a thorough review of various nations involved in international terrorism,

We continue to regard Libya, Syria and the People's Democratic Republic of Yemen as supporters of international terrorism.

The representative, Deputy Assistant Secretary of State, Ernest Johnston, Jr., told the subcommittee that Libya is one of the several nations "which are today's greatest source of support for terrorist activities."

Accordingly, Mr. Johnston said, the United States is imposing strict export control actions in order to avoid "contributing, through trade, to resources used for (Libyan leader) Qadhafi's adventures."

Mr. President, I think it would be appropriate to analyze exactly what the impact of President Reagan's March 10 decision will have in the economies of the United States and Libya. First, I do not think U.S. energy consumers need fear that they will be forced to pay a penny more on their monthly oil bills or at the gasoline station. After all Libyan oil, prior to the embargo, made up a very modest portion of U.S. oil imports and U.S. consumption. We only imported 150,000 barrels of oil daily from Libya—only 3 percent of our total imports and 1 percent of total U.S. consumption. This modest amount will be easily replaceable given the current world glut of oil which has seen many oil producers slashing prices in order to maintain sales.

What about the impact on Col. Qadhafi's economy? That seems to be somewhat of a different story. If he does not find alternative customers for his expensive oil which he seems unlikely to do in today's market, he stands to lose $2 billion—roughly 25 percent of his total annual foreign exchange revenues. Given Col. Qadhafi's rather ambitious and ruthless agenda—a $70 billion, 5-year domestic development plan; and expansion of the military, while continuing his rather expensive and despicable foreign policy and terrorist objections—the loss of 25 percent of his funds should cause difficult economic choices and constraints.

Mr. President, I am glad to see strong bipartisan support for this measure giving the Senate backing to the administration's strict imports and exports policy toward Libya. I believe that Libya's Colonel Qadhafi has demonstrated a disdain for sweet persuasion. He is the kind of repugnant figure on the world's stage who can only learn the error of his ways through strict and effective measures by nations who abhor his activities.●

● Mr. QUAYLE. Mr. President, one of the more important problems in the world today is to stop the rising tide of international terrorism, which threatens all countries and indiscriminately endangers the lives of innocent people here and abroad.

But our attention to terrorism is sporadic. We react with indignation when the innocent are murdered or taken hostage. Such stories capture